

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SERGEY MKHITARYAN and SUREN  
MKHITARYAN,

Plaintiffs,

v.

U.S. BANCORP, et al.,

Defendants.

2:11-CV-1055 JCM (CWH)

**ORDER**

Presently before the court is defendants Dennis Lyon McGee's and Speedy Recovery, Inc.'s, motion for certification of appealability pursuant to Federal Rule of Civil Procedure 54(b). (Doc. # 192). Plaintiffs Sergey and Suren Mkhitarian have filed a response. (Doc. # 197).

On August 8, 2013, this court adopted Magistrate Judge Hoffman's report and recommendation, striking defendant McGee's answer. (Doc. ## 177, 186). Defendants filed a motion for clarification regarding the separate issues of liability and damages, and sought clarification regarding Speedy's ability to defend itself against both liability and damages. (Doc. # 188). This court issued an order clarifying that defendant McGee was barred from defending as to liability but was permitted to defend against damages, and defendant Speedy was permitted to defend against both. (Doc. # 190).

Fed. R. Civ. P. 54(b) authorizes courts to direct entry of final judgment as to one or more, but fewer than all, claims or parties. Courts may provide certification for purposes of an interim

1 appeal if the court expressly determines that there is no just reason for delay. *Id.* However,  
2 certification should not be permitted as a mechanism to allow “piecemeal appeals in cases which  
3 should be reviewed only as single units.” *Curtiss-Wright Corp. v. General Electric Co.*, 446 U.S.  
4 1, 10 (1980). Having considered the parties’ arguments, the court finds that the case should be  
5 reviewed as a single unit, and an interim appeal is not appropriate.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants’ motion for  
8 certification of appealability (doc. # 192) be, and the same hereby is, DENIED.

9 DATED September 26, 2013.

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UNITED STATES DISTRICT JUDGE  
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